

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LAMART HAMILTON, JR.,)	
)	
Petitioner,)	
)	
v.)	No. 4:17-CV-997 PLC
)	
STATE OF MISSOURI,)	
)	
Respondent,)	

MEMORANDUM

This matter is before the Court on the petition of Lamart Hamilton, Jr., for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

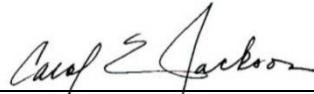
Petitioner is subject to a state court order requiring him to pay child support. He seeks an order from this Court prohibiting the State from enforcing the order. He is not confined in an institution. Nor does he allege that he is on probation or parole, or that his physical liberty has been restrained in a similar fashion.

District courts have jurisdiction to entertain petitions for habeas relief only from persons who are “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. §§ 2241(c)(3), 2254(a). Moreover, habeas relief “is not available to those, like the [petitioner], who challenge only fines or restitution orders.” *United States v. Kramer*, 195 F.3d 1129, 1130 (9th Cir. 1999), *as amended* (Nov. 18, 1999). Petitioner is not in custody, and his claims are not cognizable in these proceedings. Therefore, the petition must be denied. *See* 28 U.S.C. § 2254 Rule 4.

Finally, petitioner has failed to demonstrate that jurists of reason would find it debatable whether he is in custody or whether he has submitted a cognizable claim to the Court. Thus, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

An order of dismissal will be filed separately.

Dated this 24th day of April, 2017.

A handwritten signature in cursive script, appearing to read "Carol E. Jackson", written in black ink.

CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE